11/15/02
#15(CPA

CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing

(Only for Continuation or Divisional applications under 37 CFR1.53(d))

CHECK BOX, if applicable

☐ DUPLICATE

Address to:

Assistant Commissioner for Patents
Box CPA
Washington, DC 20231

Attorney Docket No. of Prior Application	MERCK 2073
First Named Inventor	Michael HECKMEIER et al.
Examiner Name	Shean Chiu Wu
Group / Art Unit	1756
Express Mail Label No.	

RECEIVED NOV 14 2002 TC 1700

This is a request for a   ☒ continuation or   ☐ divisional application under 37 CFR1.53(d)

(continued prosecution application (CPA)) of prior application number 09//465,006

filed on <u>December 16, 1999</u>, entitled <u>LIQUID-CRYSTAL MEDIUM, AND ELECTRO-OPTICAL DISPLAY CONTAINING THE LIQUID CRYSTAL MEDIUM</u>.

NOTES

FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).

C-I-P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

1. ☒ Enter the unentered amendment previously filed on <u>September 26, 2002</u> under 37 CFR 1.116 in the prior nonprovisional application

2. ☐ A preliminary response is enclosed.

3. ☐ This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53 (d)(4).

   a. ☐ *DELETE* the following inventor(s) named in the prior nonprovisional application:

   _____
   _____

   b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.

4. ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.

5. ☐ Information Disclosure Statement (IDS) is enclosed:

   a. ☐ PTO-1449

   b. ☐ Copies of IDS Citations

[Page 1 of 2]

11/13/2002 CNGUYEN 00000055 09465006

01 FC:1006   740.00 OP
02 FC:1202   72.00 OP
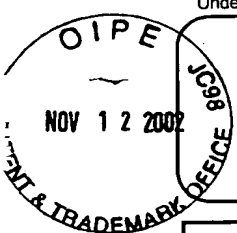
PTO/SB/29 (10-00)
Approved for use through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR 1.16(c) or (j))	24 -20* =	4	x $18=	$ 72.00
	INDEPENDENT CLAIMS 37 CFR 1.16(b) or (i))	1 -3** =	0	x $84=	0.00
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR1.16(d))			x $____=	
				BASIC FEE (37 CFR 1.16)	740.00
			Total of above Calculations =		812.00
	Reduction by 50% for filing by small entity (Note 37 CFR 1.27).				
	* Reissue claims in excess of 20 and over original patent. ** Reissue independent claims over original patent.			TOTAL =	812.00

6. ☐ Small entity status: Applicant claims small entity status. See 37 CFR 1.27.

7. ☐ The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No.____ - ____ :

    a. ☐ Fees required under 37 CFR1.16.

    b. ☐ Fees required under 37 CFR1.17.

    c. ☐ Fees required under 37 CFR1.18.

8. ☒ A check in the amount of $ 812.00 is enclosed.

9. ☐ Payment by credit card. Form PTO-2038 is attached.

10. ☐ Applicant requests suspension of action under 37 CFR 1.103(b) (fee under 37 CFR 1.17(I) enclosed).

11. ☐ New Attorney Docket Number, if desired

    [Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.]

12. a. ☐ Receipt For Facsimile Transmitted CPA (PTO/SB/29A)

    b. ☐ Return Receipt Postcard (Should be specifically itemized, See MPEP 503)

13. ☒ Other: **Preliminary Response**

NOTE:	**The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.**

12. NEW CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label   23599   PATENT TRADEMARK OFFICE   or   ☐ New correspondence address below

Name	
Address	

City		State		Zip Code	
Country		Telephone		Fax	

13. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print /Type)	John A. Sopp
Signature	
Registration No. (Attorney/Agent)	33,103
Date	November 12, 2002

[Page 2 of 2]

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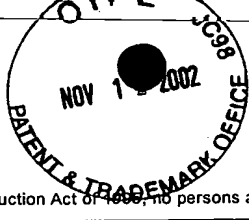
CPA
1700

PTO/SB/17 (11-00)
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FEE TRANSMITTAL
for FY 2001

Patent fees are subject to annual revision.

Complete if Known

Application Number	09/465,006
Filing Date	December 16, 1999
First Named Inventor	Michael HECKMEIER et al.
Examiner Name	S.C. Wu
Group / Art Unit	1756
Attorney Docket No.	MERCK 2073

TOTAL AMOUNT OF PAYMENT ($) 812

METHOD OF PAYMENT (check one)

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number: 13-3402

Deposit Account Name: Millen, White, Zelano & Branigan, P.C.

☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☒ Payment Enclosed:

☒ Check ☐ Credit card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code	Fee ($)	Small Entity Fee Code	Fee ($)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	740
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filling fee	

SUBTOTAL (1) ($) 740

2. EXTRA CLAIM FEES

		Extra Claims	Fee from below	Fee Paid
Total Claims	24 -20** =	4	X 18 =	72
Independent Claims	1 -3** =	0	X 0 =	0
Multiple Dependent			X =	0

Large Entity Fee Code	Fee ($)	Small Entity Fee Code	Fee ($)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) ($) 72

**or number previously paid, if greater; For Reissues, see above

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3. ADDITIONAL FEES

Large Entity Fee Code	Fee ($)	Small Entity Fee Code	Fee ($)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet.	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive – unavoidable	
141	1,280	241	640	Petition to revive – unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	130	123	130	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application .	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) ($) 0

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	John A. Sopp	Registration No. Attorney/Agent	33,103	Telephone	703-243-6333
Signature				Date	November 12, 2002

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